



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Megan Sowards Newton, Esq.
Jones Day
51 Louisiana Avenue, NW
Washington, D.C. 20001-2113

MAY 18 2017

RE: MUR 7144

Dear Ms. Newton:

On October 7, 2016, the Federal Election Commission ("Commission") notified your clients, Jeb 2016, Inc. and William Simon in his official capacity as treasurer(the "Committee"), of a Complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. On May 11, 2017, based upon the information contained in the Complaint, and information provided by you, the Commission found that there is no reason to believe that the Committee violated 52 U.S.C. §§ 30121 or 30122. Accordingly, on May 11, 2017, the Commission closed the file in this matter.

Information obtained by the Commission, however, shows that the identifying information for a \$2,700 contribution made to the Committee by Martina V. Rehorik on July 15, 2015, is inaccurate. See Factual and Legal Analysis at 2-3. Please be advised that the Committee has an ongoing obligation to correct inaccurate information. See 58 Fed. Reg. 57,725, 57,728 (Mar. 3, 1994) (Explanation and Justification).

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Roy Q. Lockett, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Mark Allen".

Mark Allen
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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6 **RESPONDENTS:** Christopher L. Jacobs **MUR: 7144**
7 Martina V. Rehorik
8 Jeb 2016, Inc. and William Simon
9 in his official capacity as treasurer
10

11 **I. INTRODUCTION**

12 This matter was generated by a Complaint filed by Beatriz Lebron. The Complaint
13 alleges that Christopher L. Jacobs made a contribution in the name of Martina V. Rehorik to Jeb
14 2016, Inc., the principal campaign committee of 2016 presidential candidate John Ellis Bush
15 ("Committee"), in violation of the Federal Election Campaign Act of 1971, as amended (the
16 "Act"). The Complaint further alleges that Rehorik may have been a foreign national and
17 "thereby ineligible to make contributions to a federal candidate."¹ For the reasons described
18 below, the Commission finds no reason to believe that Jacobs, Rehorik, or the Committee
19 violated 52 U.S.C. § 30122 by making or receiving a contribution in the name of another, and no
20 reason to believe that Rehorik or the Committee violated 52 U.S.C. § 30121 by making or
21 receiving a foreign national contribution.

22 **II. FACTUAL BACKGROUND**

23 On June 29, 2015, Jacobs contributed the maximum allowable limit of \$2,700 to the
24 Committee; the Committee reported the contribution in its 2015 July Quarterly Report, listing
25 Jacobs' employer as "Erie County" and his occupation as "Government."² On July 15, 2015,
26 Rehorik also made a \$2,700 contribution to the Committee; the Committee reported the

1 Compl. at 1 (Oct. 3, 2016).

2 Jeb 2016, Inc. Amended 2015 July Quarterly Report (January 31, 2016) at 715, *available at*
<http://docquery.fec.gov/pdf/580/201601319005221580/201601319005221580.pdf>.

1 contribution on its 2015 October Quarterly Report and listed her employer as "Erie County" and
2 occupation as "County Clerk."³

3 The Complaint makes two allegations related to these contributions. First, the Complaint
4 alleges that Jacobs, who had already contributed the maximum allowable limit of \$2,700 to the
5 Committee on June 29, also made the \$2,700 contribution that was reported as having been made
6 by Rehorik on July 15. The Complaint points out that Jacobs is employed as the Erie County
7 Clerk, but "County Clerk" was listed under the occupation field for Rehorik's reported
8 contribution.⁴ Complainant asserts that "Ms. Rehorik's use of Mr. Jacobs' title appears to be a
9 way for Mr. Jacobs to let the Bush campaign know that the contribution was made on [Jacobs]
10 behalf."⁵ The Complaint also maintains that it was unlikely that Rehorik could afford to make
11 such a large contribution, as public information indicates that Rehorik earned a salary of \$41,317
12 as an employee in the office of the County Clerk of Erie County and her \$2,700 contribution is
13 much larger than her previous contributions.⁶

14 Jacobs and Rehorik each deny that Rehorik's contribution was actually made by Jacobs,
15 asserting that the Complainant "lacks the facts to make an informed statement" about her
16 finances, as Rehorik's employment with the Erie County Clerk's Office ended almost 18 months
17 prior to her making the contribution at issue.⁷ Jacobs and Rehorik further state that Rehorik

³ Jeb 2016, Inc. Amended 2015 October Quarterly Report (January 31, 2016) at 2405, *available at*
<http://docquery.fec.gov/pdf/061/201601319005228061/201601319005228061.pdf>.

⁴ Compl. at 1.

⁵ *Id.*

⁶ *Id.*

⁷ Joint Response of Christopher L. Jacobs and Martina V. Rehorik ("Joint Resp.") at 2 (Nov. 3, 2016).
Rehorik documents that her employment ended at the Erie County Clerk's Office on February 5, 2014. *See id.*
Attach. (letter from Peggy A. Lagree, Erie County First Deputy County Clerk, Oct. 20, 2016).

1 “made the donation with her own funds and of her own volition,” and that her post-Erie County
2 Clerk’s Office employment has provided her with ample funds to do so.⁸ They also deny that
3 Rehorik’s contribution “was made ‘to let the Bush campaign know that the contribution was on’
4 Mr. Jacob’s behalf.”⁹ The Committee, for its part, describes the Complaint’s allegations as
5 “based on nothing more than speculation about two donors to the Committee.”¹⁰

6 III. LEGAL ANALYSIS

7 The Act and Commission regulations provide that no person shall make a contribution in
8 the name of another person or knowingly permit his or her name to be used to effect such a
9 contribution.¹¹ Additionally, no person shall knowingly accept a contribution made by one
10 person in the name of another.¹² The available record does not suggest that Jacobs provided
11 Rehorik with the funds for the contributions. Complainant primarily bases the allegation on
12 inferences drawn from Rehorik’s use of “County Clerk” when providing her occupation to the
13 Committee, and from apparently outdated information about Rehorik’s salary. This information
14 does not support a reasonable inference that Jacobs made a contribution in Rehorik’s name or
15 that the Committee knowingly accepted any such contribution, and Jacobs and Rehorik
16 specifically deny the allegation. Accordingly, we recommend that the Commission find no
17 reason to believe that Christopher L. Jacobs or Martina V. Rehorik violated 52 U.S.C. § 30122

8 *Id.*

9 *Id.*

10 Committee Response at 1 (Nov. 15, 2016).

11 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b)(1)(i), (ii). In addition, “no person shall . . . knowingly help or
assist any person in making a contribution in the name of another.” 11 C.F.R. § 110.4(b)(1)(iii).

12 *Id.*

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1 by making a contribution in the name of another, and no reason to believe that the Committee
2 violated 52 U.S.C. § 30122 by knowingly accepting a contribution in the name of another.

3 Second, the Complaint alleges that Rehorik was born outside of the United States,
4 thereby indicating that she may be a foreign national ineligible to make a contributions to a
5 federal candidate.¹³ The Act provides that it is unlawful for a foreign national, directly or
6 indirectly, to make a contribution or donation of money or other thing of value in connection
7 with a Federal, State, or local election, and for a person to solicit, accept, or receive such a
8 contribution or donation.¹⁴ The prohibition against contributions by foreign nationals does not
9 apply to an individual who is a citizen of the United States or lawfully admitted for permanent
10 residence in the United States, including green card holders.¹⁵

11 Rehorik asserts that she is not a "foreign national," as she obtained her green card on
12 December 4, 1993, and such status is among the exceptions to the "foreign national" category as
13 specified in 52 U.S.C. § 30121(b).¹⁶ The available record does not include evidence refuting
14 Rehorik's status as a green card holder with "the privilege of residing permanently in the United
15 States," as the Complainant's allegation is based solely on an assertion that Rehorik was born
16 outside of the United States.¹⁷ Therefore, the Commission finds no reason to believe that

¹³ Compl. at 1.

¹⁴ 52 U.S.C. § 30121(a).

¹⁵ See 52 U.S.C. § 30121(b) (providing that "the term 'foreign national' shall not include any individual who is a citizen of the United States" or an individual who is "lawfully admitted for permanent residence"); *see also* FEC, FOREIGN NATIONALS at 2 (July 2003), http://www.fec.gov/pages/brochures/foreign_nat_brochure.pdf (setting forth the "green card exception" whereby an immigrant may make a contribution if he or she has a "green card" indicating his or her lawful admittance for permanent residence in the United States).

¹⁶ Joint Resp. at 2.

¹⁷ See 8 U.S.C. § 1101(a)(20), cited in 52 U.S.C. § 30121(b)(2).

1. Martina V. Rehorik violated 52 U.S.C. § 30121 by making, and the Committee by accepting, a
2. foreign national contribution.

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